

On page 33 line 2, delete "1b" and insert -- 1B --; at line 19, delete "17a-17b" and inset -- 17A-17B --.

REMARKS

The foregoing amendments to the specification were originally presented in an amendment filed by Applicants on February 9, 1998 in response to Examiner's Action dated October 9, 1997 (Paper No. 6). Entry of these amendments is respectfully requested.

I. Drawing and specification rejections:

The Examiner has cited many objections to the drawings and specification. Regarding the drawings, the Examiner has first noted that there is no "fig. c." This was a typographical error in the specification, and fig. c is actually Fig. 6C. Correction has been made to the specification accordingly (page 29, line 21).

Reference 150 denotes the letter platform component of the invention, as correctly illustrated in Figs. 1A and 4A-4E. Reference number 150 has been deleted from Figs. 6A and 8B, however, wherein it is incorrectly cited (see attached amended drawing).

An amended Fig. 7 is submitted herein correcting the leader line extension from reference 1308, which refers to the computer feature of the invention.

The vast majority of the amendments made herein are to correct the numbering of the figures. Specifically, the specification has been amended throughout to change all lower-case letters used in denoting figures to upper-case (e.g. Fig. 1a has been changed to Fig. 1A). While for all other noted drawing objections proposed amended drawings are herein submitted, all additional drawings wherein merely the figure numbering must be amended will be filed upon submission of formal drawings.

On page 1 of the specification, the Applicant's issued patent number has been added.

Reference 1106 of Fig. 3 and reference 1204 of Fig. 6A have been deleted from these figures since the specification does not explicitly make reference to these legends (see attached figures).

The typographical error on page 20, line 15 has been noted and corrected herein.

The Examiner has also rejected the subject matter of claim 5, lines 17-18, claim 7; claim 10, lines 16-19; claim 16, lines 16-17; and claim 19, lines 15-19 as lacking antecedent basis. The

Examiner's attention is directed to page 4, lines 27-31 which discloses these features of Applicant's invention as claimed herein.

The Examiner has required that the 109 pages of paper appendices as filed on October 4, 1996 be submitted in microfiche form. It is requested that the Applicants be permitted to submit the microfiche upon allowance of the claims or be permitted to amend the specification to specifically incorporate by reference Applicant's original application Serial No. 08/284,910, filed August 2, 1994 (now U.S. Pat. No. 5,586,037 (the "'037 patent") of which the present application is a continuation. Notably, Applicant's '037 patent includes the entire 109 pages of the paper appendices.

It is respectfully submitted that the amendments made to the specification and drawings as well as the foregoing remarks obviate the Examiner's objections to the specification and drawings.

II. Provisional Double-Patenting – Serial No. 09/493,800:

The Applicants note the Examiner's provisional double-patenting rejection in view of co-pending Serial No. 09/493,800. Any terminal disclaimer filed will be with respect to the later-filed application.

III. 35 U.S.C. §101 rejection:

The Examiner has rejected claims 1-19 under 35 U.S.C. §101 as claiming the same invention (i.e. double patenting) as that of claims 1-3, 5, 7-9, 12, 16, 19-21, 24-26, 28-30, and 34 of prior U.S. Patent No. 5,481,464 (hereinafter "'464 patent"). This rejection is improper, since the inventors of Applicant's pending application 08/720,927 and earlier applications are not inventors of the '464 patent nor is the assignee (Pi Electronics) of Applicant's pending applications and issued patents the owner of the '464 patent. It is assumed that Examiner's rejection here was inadvertent, since a double-patenting rejection is only proper when an applicant's prior patent claims the same subject matter as the applicant's pending application at issue. The Examiner maintains that common ownership is not a requirement for a rejection under §101; however, the Examiner's attention is directed to MPEP 804, which states, in part: "Before consideration can be given to the issue of double patenting, there must be some common relationship of inventorship

and/or ownership of two or more patents or applications.” Again, there is no common relationship of inventorship or ownership between any of Applicants’ patent applications and the ‘464 patent.

IV. 35 U.S.C. §102(e) rejections:

The Examiner has also rejected claims 5-12 and 16-19 under 35 U.S.C. §102(e) as being anticipated by the ‘464 patent (i.e. Ramsden). The Examiner has correctly noted that the Applicants have copied these claims as well as other claims from the ‘464 patent (see earlier communication from Applicants, filed September 2, 1997 - “Communication under 37 C.F.R. §1.607(c)”). It is respectfully submitted that the Applicants’ effective filing date is April 1, 1991, not August 2, 1994 as contended by the Examiner. The Examiner, in maintaining his rejection, contends that the disclosure in Applicants’ earlier parent application (Serial No. 07/678,863, filed April 1, 1991 and now abandoned) of the use of a pre-paid magnetic card does not support the later disclosure in the present application of payment via a credit card. On the contrary, however, the Examiner’s attention is further directed to page 1, line 35-36 of application Serial No. 07/678,863 which states “[a]lternatively, the customer may use a credit card to make payment. Applicants therefore respectfully request withdrawal of this rejection.

Respectfully submitted,

Date:

11/8/00


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CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on November 8, 2000.


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Serial No. 08/720,927
Group 2761